C1
B1

b) comparing said expression of said gene from a second normal tissue from said first individual or a second unaffected individual;

wherein a difference in said expression indicates that the first individual has prostate cancer.

Please add new claims 39-43, as follows.

39. The method of claim 7, wherein said determining is carried out by detecting an RNA molecule comprising SEQ ID NO: 1.

C1

40. The method of claim 39, wherein said determining is carried out using a nucleic acid probe.

B2

41. The method of claim 40, wherein said nucleic acid probe is immobilized to a solid support.

42. The method of claim 40, wherein said nucleic acid probe is labeled.

43. The method of claim 7, wherein said first tissue is prostate tissue.

REMARKS

In response to the Office Action mailed August 27, 2002, Applicants elect with traverse to prosecute the claims of Group V directed to methods of diagnosing prostate cancer by determining the expression of a gene encoding PAA3. According to the MPEP, where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. See, the MPEP at 803.01. In establishing that an "undue burden"